

AMENDMENTS TO LB 1057

(Amendments to Standing Committee amendments, AM1895)

Introduced by Carlson, 38.

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Sec. 3. Section 61-218, Revised Statutes Cumulative
4 Supplement, 2008, as amended by section 39, Legislative Bill
5 3, One Hundred First Legislature, First Special Session, 2009, is
6 amended to read:

7 61-218 (1) The Water Resources Cash Fund is created. The
8 fund shall be administered by the Department of Natural Resources.
9 Transfers may be made from the fund to the General Fund at the
10 direction of the Legislature. Any money in the Water Resources
11 Cash Fund available for investment shall be invested by the state
12 investment officer pursuant to the Nebraska Capital Expansion Act
13 and the Nebraska State Funds Investment Act.

14 (2) The State Treasurer shall credit to the fund such
15 money as is (a) transferred to the fund by the Legislature, (b)
16 paid to the state as fees, deposits, payments, and repayments
17 relating to the fund, both principal and interest, (c) donated as
18 gifts, bequests, or other contributions to such fund from public or
19 private entities, (d) made available by any department or agency of
20 the United States if so directed by such department or agency, and
21 (e) credited to the fund from the excise taxes imposed by section
22 66-1345.01 beginning January 1, 2013.

1 (3) The fund shall be expended by the department (a)
2 to aid management actions taken to reduce consumptive uses of
3 water in river basins, subbasins, or reaches which are deemed
4 by the department overappropriated pursuant to section 46-713 or
5 fully appropriated pursuant to section 46-714 or are bound by
6 an interstate compact or decree or a formal state contract or
7 agreement and (b) to the extent funds are not expended pursuant to
8 subdivision (a) of this subsection, the department may conduct a
9 statewide assessment of short-term and long-term water management
10 activities and funding needs to meet statutory requirements in
11 sections 46-713 to 46-718 and 46-739 and any requirements of an
12 interstate compact or decree or formal state contract or agreement.
13 The fund may be used to pay for up to twenty-five thousand
14 dollars in annual expenses for the Republican River Basin Water
15 Sustainability Task Force but shall not be used to pay for any
16 other administrative expenses or any salaries for the department or
17 any political subdivision.

18 (4) It is the intent of the Legislature that two million
19 seven hundred thousand dollars be transferred each fiscal year from
20 the General Fund to the Water Resources Cash Fund for FY2009-10
21 through FY2018-19.

22 (5) (a) Expenditures from the Water Resources Cash
23 Fund may be made to natural resources districts eligible under
24 subsection (3) of this section for activities to either achieve a
25 sustainable balance of consumptive water uses or assure compliance
26 with an interstate compact or decree or a formal state contract
27 or agreement and shall require a match of local funding in an

1 amount equal to or greater than forty percent of the total cost
2 of carrying out the eligible activity. The department shall, no
3 later than August 1 of each year, beginning in 2007, determine the
4 amount of funding that will be made available to natural resources
5 districts from the Water Resources Cash Fund and notify natural
6 resources districts of this determination. The department shall
7 adopt and promulgate rules and regulations governing application
8 for and use of the Water Resources Cash Fund by natural resources
9 districts. Such rules and regulations shall, at a minimum, include
10 the following components:

11 (i) Require an explanation of how the planned activity
12 will assure compliance with an interstate compact or decree or a
13 formal state contract or agreement as required by section 46-715
14 and the controls, rules, and regulations designed to carry out the
15 activity; and

16 (ii) A schedule of implementation of the activity or its
17 components.

18 (b) Any natural resources district that fails to
19 implement and enforce its controls, rules, and regulations as
20 required by section 46-715 shall not be eligible for funding
21 from the Water Resources Cash Fund until it is determined by the
22 department that compliance with the provisions required by section
23 46-715 has been established.

24 (6) The Department of Natural Resources shall submit an
25 annual report to the Legislature no later than October 1 of each
26 year, beginning in the year 2007, that shall detail the use of the
27 Water Resources Cash Fund in the previous year. The report shall

1 provide:

2 (a) Details regarding the use and cost of activities
3 carried out by the department; and

4 (b) Details regarding the use and cost of activities
5 carried out by each natural resources district that received funds
6 from the Water Resources Cash Fund.

7 Sec. 4. Original section 61-218, Revised Statutes
8 Cumulative Supplement, 2008, as amended by section 39, Legislative
9 Bill 3, One Hundred First Legislature, First Special Session, 2009,
10 is repealed.

11 4. Renumber the remaining section accordingly.

12 2. Renumber the remaining amendments accordingly.